

Case No. S168078

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO, et al.,

Petitioners,

vs.

MARK B. HORTON, as State Registrar of Vital Statistics, etc., et al.,

Respondents,

DENNIS HOLLINGSWORTH, et al.

Interveners.

SUPREME COURT
FILED

JAN - 5 2009

Frederick K. Ohnich Clerk

EXHIBITS IN SUPPORT OF REPLY OF
CITY AND COUNTY OF SAN
FRANCISCO, ET AL.

Deputy

FILED WITH PERMISSION

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DECLARATION OF HELEN ZIA

I, Helen Zia, declare as follows:

1. I am an American citizen of Chinese descent. My parents immigrated to the United States in the 1940s. I graduated from Princeton University in 1973 (the first year in which women graduated from that university). Some years later, I began my career as a journalist. I was formerly the Executive Editor of *Ms. Magazine* and have written and edited several books, including books on the experience and culture of Asian-Americans. In 2007, I was selected to be a Fulbright Scholar. I was also a torch bearer in the 2008 Olympic torch relay in San Francisco.

2. I have been with my life partner, Lia Shigemura, since the early 1990s. Lia is a third-generation Japanese-American and was born and raised in Hawaii. She lived and worked in San Francisco when we met. After dating Lia for not very long, I realized I had found my soul mate. It was so clear to me that I wanted to spend the rest of my life with Lia that I turned down an opportunity to become Editor-in-Chief of *Ms. Magazine*, which would not only have been a tremendous career step for me, but also would have been significant to have a woman of color and Asian-American at the head of a national magazine. Because of our commitment to our relationship, I resigned from *Ms. Magazine* and moved from New York to San Francisco so that I could be with Lia. Soon after, we registered as domestic partners with the City of San Francisco. We now live in Oakland, California.

3. For both of our families—my Chinese-American family and Lia's Japanese-American family—the bonds of family are critically important. Marriage is something that many Asian cultures, including Asian-American cultures, view in a broadly encompassing way that goes far beyond the joining

of two individuals. It is a bonding of two families, the extended family of each person in the couple—including distant relatives and generations past, present, and future. It signifies lifelong commitment not only of the individuals in the couple to each other, but also of each person in the couple to the extended family of the other and vice versa.

4. In February 2004, Lia and I had the opportunity to get married in San Francisco and our lives were profoundly affected. When San Francisco began issuing marriage licenses to same-sex couples, my mother called Lia and me and urged us to marry. We went to City Hall to volunteer processing marriage license applications and then decided to get married ourselves. It was not exactly the wedding that we had dreamed of. We were sorry not to have our parents there, and we had always imagined Lia's father, who is a retired judge, officiating our wedding. It was exciting, but it felt more like we were eloping.

5. We were unsure how our families and friends would react. But when we called our parents, they were thrilled. Love and affirmation poured forth from our families and friends. It was overwhelming. The joy and excitement our families felt at being able to affirm our relationship was profound. Our niece, my brother's daughter who was then 15, had only ever known us as being together. Yet, when we told her we had married, she said to Lia: "Now you're *really* my auntie." Our parents, siblings and cousins began relating to each other as in-laws, not just acquaintances. We started realizing something we had long felt—that while our families had known and accepted that we were together, marriage made it real. In some way, our niece's reaction reflects that Lia and my inability to marry made them feel that we, they, and their relationships to us were less than real, or not legitimate.

6. Lia and I realize that we are lucky to have the families we have. They have always been supportive and loving and have for many years now accepted our relationship. But our being able to marry has given them a way to describe our relationship that feels good and right and real. Our parents and siblings could refer to Lia or me as their “daughter-in-law” or “sister-in-law.” This confers a much closer bond than “Lia’s friend” or “Helen’s partner.” The marriage made us feel like our union with each other and with our families was complete. Naturally, we were deeply disappointed when our 2004 marriage was invalidated.

7. We were thrilled when the Supreme Court ruled in 2008 that we had a constitutional right to get married. After the Court issued its decision in *In re Marriage Cases*, we began planning to marry again as soon as we could. Lia and I were married on June 17 by Dennis Herrera, the City Attorney for the City of San Francisco. My elderly mother was there, beaming amidst a sea of friends, supporters, and media. After our ceremony, my mother, whose first language is Chinese, spoke to the reporters from the Chinese media about how good it felt to know that her daughter was married and, therefore, would never be lonely or without the love and support of her family. Another Chinese lesbian friend who married her longtime partner shared with me that her parents read what my mother said and told her that they felt exactly the same way.

8. Our wedding in 2008 felt different from our earlier wedding at City Hall in 2004. When we married in 2004, we understood that everyone who married during that period was venturing into exciting but untested legal waters. When we married in 2008, by contrast, our right to get married had been determined by the highest court in the state. We believed that there was no longer any question about that right. Lia and I kept repeating to each other, “this time it’s real. It’s legal and it’s real.” For the first time in the 16 years of

our life commitment to each other, we could say that we are married, which is exactly as we live our lives. For the first time, we felt that our relationship was equal to everyone else's and that nobody was going to take our marriage away.

9. Lia and I would be devastated and heartbroken if our marriage were taken from us—to have been admitted into a place of equal status, only to be pushed out and told to go back to being inferior and unequal; it would be tremendously demoralizing. This place of ambiguity and inequality is not just a feeling, but, in fact, we will be in legal limbo—no longer knowing what law would prevail if one of us becomes hospitalized or dies. We won't know what to do about our wills and living trusts, costly legal documents which we felt compelled to have to protect our relationship. We don't even know what words would describe our marriage if it were to be invalidated. We never imagined after being legally married under the laws of California that it would be possible to take our marriage away.

10. We were involved in campaigning against Proposition 8 and also paid close attention to what was said in the media about the proposed new law. Even during all the intensive campaigning, the proponents of Proposition 8 never said that it would take away any existing marriages.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 26th day of December, 2008, at Oakland, California.



Helen Zia

DECLARATION OF EDWARD SWANSON

I, Edward Swanson, declare as follows:

1. I am a forty-five-year-old criminal defense attorney. I live in San Francisco with my husband, Paul Herman. Paul is forty-three years old and a full-time, stay-at-home dad. Paul and I have twin six-year-old girls, Kate and Liza. We are each the biological father of one of our daughters, who were born to a gestational surrogate mother.

2. Paul and I have been in a committed relationship for the past eighteen years. I first met Paul at a country music concert we attended with friends. Paul and I dated for less than a year before moving in together and have lived together ever since. I was attending Stanford Law School when we first moved in together, and I had already accepted a job in South Africa working for a legal rights organization after law school. Paul left his job at City Hall to accompany me to South Africa for a year. This was a profound bonding experience for us and brought us closer together. Paul and I bought into a tenancy-in-common in 2000 and purchased our own house together in 2004.

3. In 1994, Paul and I had a commitment ceremony at my parents' house with family and friends present. When California adopted domestic partnership legislation, we registered right away. Paul and I married on February 13, 2004, and then again in 2008.

4. On October 15, 2008, we were married in chambers by Judge Thelton Henderson, for whom I formerly clerked. Our parents and daughters were present, as were the two friends who had walked us down the aisle at our commitment ceremony. We exchanged traditional marriage vows.

5. I felt things had changed for us after being married in 2008. We went on a honeymoon to Santa Fe for four days. When people asked why we were there, we could respond that we had just married and were on our honeymoon. We got to say this not as a political statement or to make a point, but because we were describing the legal truth of our relationship. Small things became very profound. When we rented a car in Santa Fe, the rental car agent asked if we were co-workers. Paul responded that we had just married, and she immediately said congratulations and didn't charge us for adding an extra driver. We drove home feeling different—we are able to say we are married now, rather than partners. I realized on our honeymoon that this was the first time I felt our relationship was legally equal to a heterosexual union. To say we are married was an empowering experience for which I was totally unprepared.

6. Our 2008 marriage felt different to me than our 2004 marriage. The Supreme Court, and through it the State of California, had said our marriage was just like everyone else's. It was a fact. It was the law. There was no asterisk on our marriage, nothing contingent about it. Before that, it had felt like a political stance, more an aspiration than a reality.

7. If Proposition 8 invalidates our marriage, we will lose all of that. We now know what we didn't know before—what it feels like to be equal. This is not something we will forget. It was remarkable to me how much the passage of Proposition 8 hurt.

8. I was hopeful, or guardedly optimistic, that even if Proposition 8 passed, the marriages that had already occurred would not be taken away. I believed that if our marriage was legal under the California Constitution when entered into, a later change to the Constitution would not deprive us of our marriage. I did not think Proposition 8 would simply undo all the marriages

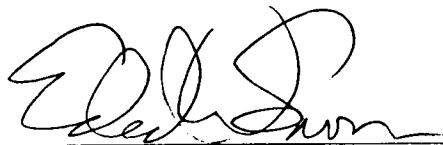
that had been legally performed. I was not certain of this, but I could not imagine that Proposition 8 would simply mean our marriage did not exist anymore.

9. The effect of Proposition 8 has taken on new meaning with respect to our daughters. Our daughters were present at both of our marriages. It has become increasingly important to us that they know their parents are legally married, and that in this regard their family is like any family that has two married parents.

10. Paul and I were concerned that the passage of Proposition 8 would negatively affect our daughters and cause them to think we were splitting up. We discussed this concern with our daughters' teachers at a parent conference in order to warn them that there might be signs of distress.

11. Kate and Liza started asking questions about Proposition 8 when we became active in the campaign and held a fundraiser. I have found it extremely difficult to explain to my children that there are people who don't want their parents to be married. We've told them that, no matter what the law says, we will always be their parents. I feel just as strongly about that now as ever before. But I fear our daughters will grow up thinking that something is wrong with their family—that theirs is a family most people in the State have tried to vote out of existence.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 4th day of January, 2009 at San Francisco, California.

A handwritten signature in black ink, appearing to read "Edward Swanson", written over a horizontal line.

Edward Swanson

DECLARATION OF ZOE DUNNING

I, Zoe Dunning, declare as follows:

1. I live in the City of Alameda with my wife, Pam Grey. I am forty-five years old. I graduated from the United States Naval Academy at Annapolis and served in the Navy for twenty-two years. I left active duty in the Navy in 1991 but continued to serve in the Navy Reserve. I rose to the rank of commander before I retired last year. I also have an MBA from Stanford University. I currently own a consulting business.

2. Both Pam and I experienced discrimination as lesbians in the military. In 1993, I came out publicly as a lesbian during a rally at Moffett Naval Air Station. I then endured a two-and-one-half year battle to stay in the Navy—a battle that I ultimately won. My first discharge hearing was held under the military's former policy barring all gays from serving in the military and the administrative board unanimously voted to discharge me. Before my discharge took effect, the military's new "Don't Ask, Don't Tell" policy took effect. I then had a second administrative discharge hearing, and the military tribunal voted unanimously not to discharge me.

3. My wife, Pam, was a Petty Officer Third Class in the Navy. Pam grew up in Brooklyn and joined the Navy after high school. She arrived in the Bay Area in the late 1980s when she served as a welder onboard the USS Gompers, homeported in Alameda. She is a graduate of the University of San Francisco and works for the Alameda County Office of Education.

4. In 1989, Pam got tired of hiding who she was and informed her superior that she was gay. Initially, the Navy attempted to discharge her dishonorably although she had done nothing wrong other than have the

“wrong” sexual orientation. Pam hired an attorney and forced the Navy to grant her an honorable discharge.

5. I met Pam in 1999, and we began dating in 2002. We began living together in 2006. Although we considered each other to be life partners, Pam and I did not register as domestic partners because domestic partnership seemed like a separate and not equal status for gay couples. Also, we did not feel that becoming domestic partners conveyed anything about our commitment and love for each other.

6. When the litigation over marriage between same-sex couples was working its way through the court, I realized that maybe someday Pam and I would be able to get married. I told Pam that I would want to marry her if we ever had the opportunity. But I didn’t really believe that it would happen. I remember when the Supreme Court’s decision in *In re Marriage Cases* was announced, I was in my office jumping up and down for joy. Then I got a text message from Pam: it said, “offer still valid?”

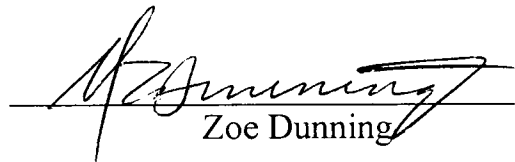
7. We were married in Healdsburg on August 31, 2008. One of my sisters is an administrative judge, so she performed our ceremony. My other sister flew from Georgia to be at our wedding. Pam’s mother and two cousins came from Maryland.

8. Pam’s mother was so excited on our wedding day. Pam is her only child so it meant a great deal for her to be at her daughter’s wedding. She was the quintessential mother-of-the-bride. She helped Pam get dressed. We were very traditional about it and got dressed separately (my sister helped me get dressed). Over the course of the weekend, Pam’s mother kept pulling me aside to tell me how happy she was and how she had believed since the first time that she met me that I was the one for her daughter.

9. Being married has changed our lives in both financial and emotional ways. Financially, Pam was able to add me to her health plan. This is important because I work freelance and do not have access to employer-sponsored healthcare. Beyond such practical effects, I have been so proud to be able to call Pam my wife. I used to feel like I didn't know what to call Pam. When you say that someone is your "partner" not everyone knows what that means. But everyone understands what it means to be married.

10. It would be devastating if our marriage was invalidated. Pam and I relied on the Supreme Court's decision as the final word. The fact that the Supreme Court said that it was legal felt like the ultimate confirmation that we had the right to marry, and we trusted that that right would not be taken away. We understood that Proposition 8 was on the ballot and that the right of same sex couples to get married could be taken away in the future. But it never occurred to us that if we got legally married, our marriage could later be taken away or made invalid. Now that we have been given the right to marry like any other couple, we realize the significance of that right. As veterans, Pam and I volunteered to serve our country to protect the equal rights and freedoms of all Americans, and now that we have been granted and availed ourselves of the right to marry, it would be crushing to have that marriage invalidated.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30th day of December, 2008 at ALAMEDA, California.


Zoe Dunning

DECLARATION OF MARIAN MARTINO

I, Marian Martino, declare as follows:

1. I am fifty-one years old and I live in Modesto, California with my wife, Joanna Cusenza. Joanna and I have been in a committed relationship for 28 years. I own a small graphic design business. Joanna is a special education teacher of learning disabled children. She teaches in the Modesto City public schools. Over the years that we have been together, we have become a part of each other's families.

2. Joanna and I registered as domestic partners, but I was never happy with the term "partner" to describe Joanna. The word does not convey my feelings and relationship with Joanna. I also find it strange and confusing to use the same term to describe two very different relationships; my relationship with Joanna and my relationship with my brother, Paul, who is my business partner. Since we were not legally allowed to marry until recently, we had a ceremony to celebrate our relationship and our commitment to each other on our 15th anniversary in 1995.

3. I was surprised and delighted when the California Supreme Court said that it was illegal to exclude gay couples from marriage. I knew definitely that I wanted to marry Joanna. We planned our wedding for August 8, 2008, which was my parents' 55th wedding anniversary. (We take our commitments seriously in our family—Joanna's parents were married for 56 years before her father passed away). Joanna's mother and both of my parents were present at our wedding as well as two of my brothers and many nieces and nephews. Our mothers were our witnesses. Our getting married meant a great deal to our extended families. My 17-year-old nephew Sam asked to be my "best man." His younger brother, Kenny, who is 12, stood with him and Joanna's niece

Eimile, age 12, stood up for her along with our godchildren, Kaylee, age 7, and Mattie, age 3. In his toast to us, my Dad joked that he had five sons, and he had told all of them to marry a nice Italian girl, but that it had taken his daughter to do so.

4. Being married has made a noticeable difference in our lives and particularly in our day-to-day interactions in the world. When a salesperson calls up asking for Joanna, I can say I'm her spouse, and the person will talk to me as if I matter. Being able to say we are married gives our relationship credibility. It feels as though society has acknowledged our relationship. I know that marriage between same sex couples is still very new, and I see people having slightly uncomfortable reactions when I describe Joanna as my wife. But at the same time, they know what it means. On an emotional level, although we have always been extremely close, getting married has made each of us feel even more connected to each other, to our own family, and to each other's family. It would be devastating if our marriage were invalidated as a result of Proposition 8.

5. Our getting married has also been significant for our many nieces and nephews. We live in a more conservative part of the state, but our nieces and nephews have always embraced us. I believe that the implicit sanction of our relationship that comes from being allowed to marry helps them be able to be proud and not embarrassed about having aunts who are lesbians.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 31 day of December, 2008 at Modesto, California.


Marian Martino

DECLARATION OF BRADLEY AKIN

I, Bradley Akin, declare as follows:

1. I live in San Francisco, California with my husband Paul Hill. We have both been residents of San Francisco for over twenty years. I am forty-eight years old and a Senior Project Manager at Dolby Labs. My husband Paul is fifty-five; he works as a visual effects producer and currently serves on the board of our neighborhood homeowners' association.

2. I am the adoptive father of my eighteen-year-old daughter, Alexandra (Alex). I adopted Alex when she was six months old. Alex and I met Paul when Alex was four years old, and Paul has been a part of our family ever since. Alex considers both Paul and me to be her parents and our family is very close. We have discussed Paul legally adopting Alex, but Paul preferred to become her father through marriage, which seems more natural than the formal adoption process.

3. Paul and I first met through a mutual friend at a barbeque in San Bruno in 1995. We forged an instant connection and started dating immediately. We dated for three years, and then bought a house and moved in together. Neither Paul nor I had ever lived with another partner before. Because marriage was not available to us at the time, buying a house together was the best way we knew to legally demonstrate our commitment to each other.

4. Paul and I registered as domestic partners in 2001. We married the morning of February 13, 2004, the first day marriage was available to us as a gay couple.

5. Because that marriage was nullified, we married again on June 17, 2008 at 8:15 a.m. Both times Paul and I have gotten married as soon as we

possibly could. We were one of the first couples in line to get a marriage license and had the first appointment for a marriage ceremony at City Hall. We believe we were the first male couple to wed in San Francisco in 2008. It was important for us not to be first, but to marry right away. Paul had always told Alex he would marry me at the first minute he could, and he did just that.

6. Our June 17 wedding was covered extensively in the press because we were the first public ceremony of the day at San Francisco City Hall. We had thirty friends and family at our wedding, in addition to dozens of members of the press. Even the circus created by the presence of national media at our wedding did not detract from the importance of the ceremony. All that mattered to us was that we were getting married. Paul and I were honored and dignified by the proceedings and the legal recognition of our relationship.

7. Our daughter Alex is now a freshman at the University of Michigan. Alex attended our 2008 wedding and is one of the witnesses on our marriage license. One of the many reasons Paul and I married was so that we could impress upon Alex the value of being in a committed, healthy relationship and serve as role models for her in that regard.

8. Paul and I want Alex to know how important marriage is. Being married gives us an opportunity to demonstrate to Alex how a loving marriage can work well and to show her all of its inherent benefits. This is especially important to us as Alex begins to take interest in relationships.

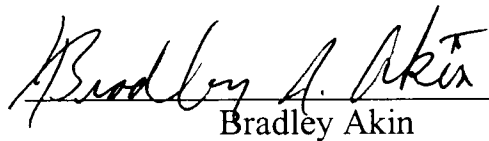
9. If Proposition 8 invalidates our marriage, it would mean for Alex that her parents are no longer married. If Paul and I are not married, we fear Alex's rights with respect to Paul could be called into question—that it will be harder for Alex to establish Paul is her family and vice versa. Marriage is in many ways a safety net for us. When we married, we rested comfortably

knowing that this would not come up. Losing our marriage means we would no longer have that kind of stability and assurance.

10. Paul and I waited a long time for the opportunity to be married. Compared to our marriage in 2004, our 2008 marriage felt more valid and secure. Because the State of California had said we were within our rights to marry, we felt like our marriage was permanent. At the very least we thought our marriage would be safe even if gay marriage were later prohibited since we were legally married during the period when it was lawful.

11. It would be devastating to our family if our marriage were taken away. No marriage should be considered something disposable. After having experienced equality through the civil marriage process, to have it taken from us would be degrading and demeaning. For the State to force us to be unmarried again would be a deliberate attempt to invalidate who we are in this world. The case before the Court to nullify our marriage feels very personal this time.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30th day of December, 2008 at San Francisco, California.


Bradley Akin

DECLARATION OF EMILY GRIFFEN

I, Emily Griffen, declare as follows:

1. I have been in a committed relationship with my wife, Sage Andersen, for over nine years. Sage and I are both thirty-three years old. I am an attorney and Sage is a teacher of the fourth and fifth grades. Sage is currently pregnant with our first child.

2. Sage and I met in early 1999 after I moved to Berkeley from Boston. Our friends introduced us and we hit it off immediately. We began seeing each other in July 1999. The first year of our relationship was long-distance because Sage lived in Portland, Oregon, but we knew right away we would be serious quickly. We moved in together less than a year later, in May 2000. Sage and I registered as domestic partners in January 2002, and bought a house together in Oakland in June 2002. On October 13, 2002, Sage and I held a commitment ceremony for seventy-five of our family and friends. From then on, we considered ourselves married, even though the State did not.

3. Sage and I legally married on July 12, 2008, and had a smaller ceremony, with our families and closest friends present. A close friend of ours who had officiated our commitment ceremony was deputized for the day and married us. My mother in particular was touched by the whole day—she was excited to be included in this step in my life. We talked about how when I first came out to her while in college, she was very worried and concerned for me because she thought I would never get married and have kids, and we commented about how I was now getting legally married—something neither of us could have imagined back then. My dad made a toast at the casual reception in our backyard, noting that it seems that history shows that things keep getting better and more just, and that this day was proof of that.

4. Sage's mother was also moved by our marriage. She was happy that Sage had the opportunity to marry the person she loves. Sage's stepfather is African-American and her mother is white, so her parents are able to relate to our feelings about the law dictating who can marry whom. Sage's mother also felt very relieved that we would now have all the legal rights of married couples, such as being able to visit one another in the hospital, since she (incorrectly) believed that we did not have those rights as mere domestic partners. This highlighted for us that even those closest to us do not understand our domestic partnership, while they are very clear on what marriage is and the benefits it provides.

5. At our wedding, we recognized that although we had celebrated our love for each other six years earlier through our commitment ceremony, it should have been a marriage we were celebrating all along. Being married didn't change our relationship to each other; we plan to be together forever. But it felt *right* to be included in the company of all other married couples who have made the same commitment.

6. At the end of August 2008, Sage learned she was pregnant. We were happy knowing our child would be born into a stable, loving marriage. It felt like a great boon to us to be able to have a child in wedlock. Marriage for us is not about a faith tradition, but it is important for us practically. Being able to call our relationship a marriage, and not have to explain it, is significant. While we know that our family will operate as its own unit and be open and communicative about these issues, there is real value in being able to participate in an institution that the rest of the world recognizes. Having married parents will make it easier for our child to grow up knowing that our family is just as safe, healthy and valued as any other.

7. The passage of Proposition 8 changed all that. We felt like it was an attack on our rights. Now Sage and I are having a baby and we don't know if we're married or not. Sage and I worry that the passage of Proposition 8 may signal a setback in gay rights more broadly, and the uncertainty is nerve-racking.

8. Sage and I worry that if Proposition 8 invalidates our marriage, our child will face additional stigma socially, particularly in school. Sage is a teacher, so she is particularly familiar with how kids struggle when they are stigmatized by their peers. We recognize there will likely be difficulty for our child, being born to lesbian parents, beyond the school gates. But we think having married parents would lessen some of that burden.

9. We expected that if Proposition 8 passed, there was a chance our marriage would be challenged. I suspected it would be an unanswered legal question, but I thought more likely than not our marriage would still be valid because it was legal when performed. This has caused us a great deal of anxiety as we try and prepare ourselves to have a baby.

10. If our marriage is invalidated, Sage and I will be angry and hurt. Proposition 8 calls into question our sense of what it means to be a Californian. I know Sage and I are connected. We are going live together and have a baby together no matter what happens, but we want to be married and have chosen that for ourselves and our child. It seems crazy to me that people to want to take away our marriage, which provides us the stability of a family structure. It is hard to understand how the California Supreme Court can say I have a fundamental right to marry my wife and then that right can be taken away by my fellow citizens.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 24th day of December, 2008 at San Francisco, California.

A handwritten signature in cursive script, appearing to read "Emily Griffen", written over a horizontal line.

Emily Griffen

DECLARATION OF SUWANNA KERDKAEW

I, Suwanna Kerdkaew, declare as follows:

1. I live in San Francisco, California with my wife Tina M. Yun. Tina and I are both forty-one years old. I work as a firefighter paramedic engineer with the Santa Clara County Fire Department. Tina works part time providing administrative support and selling software for a software engineer. The rest of the time she stays at home with our eighteen-month-old daughter, Alexandria (Alex).

2. Tina and I have been in a committed relationship for almost seven years. We first met at a Christmas party in 2001. On our first date, we went out for a movie and talked through the entire film; to this day, I can't remember what movie we saw. We moved in together in February 2003 and have lived together ever since. We purchased a house together in 2006.

3. Tina and I talked about having a child as early as the third year of our relationship. In discussing when to get pregnant, Tina told me she needed to make an honest woman of me. Because marriage was not available to us at the time, we registered as domestic partners in 2006.

4. On May 27, 2006, Tina and I had a ceremony celebrating our relationship with family and friends. The ceremony included a traditional Chinese banquet for our one hundred guests. We knew that if we were going to bring a child into our lives, we needed our family to understand the seriousness of our commitment to each other and recognize the validity of our relationship. The only legal document representing our commitment was our domestic partner certificate. We included a shot of it in the slideshow at our ceremony and got a huge round of applause from our family and guests. After the

ceremony, things changed. Our families seemed to understand our relationship better and how serious we were about each other.

5. On September 3, 2008, we were legally married in Golden Gate Park. Because the 2006 ceremony had been our “real” wedding, we kept the 2008 ceremony small. Ideally, we would have waited until we had the opportunity to marry on May 27, in recognition of our earlier ceremony, but we feared Proposition 8 would be successful, and we would not have the opportunity to marry if we waited. September 3 is an important day to us because it is the day Alexandria was conceived, so we chose that day.

6. When Proposition 8 passed, my first thought was how this would affect our daughter. She is undoubtedly the most impacted. It is going to be hard enough for her in school and in the Chinese community to have two parents who are women; she will already be identified as “different” by her peers.

7. As the daughter of a Thai woman and the stepdaughter of a Caucasian man, I was the child of a “mixed-marriage” couple growing up. My parents lived in a community that had not been exposed to much diversity, and because of their marriage, they, and I, encountered discrimination in so many ways. It was difficult for them to find housing, and our family endured hostility from strangers as we tried to go about our lives, whether it be the looks we got when we went grocery shopping, or the general sense that we were not welcome. Going through school was very hard for me. I was the only one of my peers with interracial parents in a small school. I was the target of all kinds of racial slurs, such as “chink,” “Jap,” and “blackie.” Once, in the third grade, the verbal abuse became physical, and I was beaten by a classmate I had dared to stand up to after being called the N-word. I knew I was a target because my

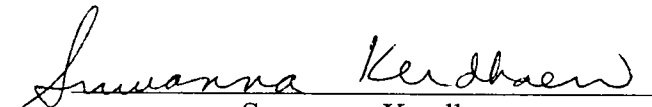
family was different. I never told my parents what happened to me because I feared they would blame themselves.

8. I am deeply afraid Alex will endure similar experiences at school. If I am married to Tina, my daughter will know her parents' relationship is valid and hopefully encounter less ignorance than I did for being "different." I would do anything to be able to prevent her from experiencing the discrimination I did as a child. Tina and I need for our marriage to be recognized as legal so that Alex can feel secure about her two moms in any situation.

9. I was very emotional when Proposition 8 passed. Tina and I had truly thought that as long as we got married before the election, our marriage was safe because it was legal at the time. In hindsight, we were quite naïve. When we found out that our marriage might be taken from us, we felt cheated and angry, like we were being stripped of our rights.

10. Being able to marry Tina means that I can explain our commitment to my family on terms they can understand. Marriage allows us to apply a well-understood label to what we have with each other. We don't want that taken away from us. Taking away our marriage would mean we'd lose the ability to show the world we love each other and that we are a family, and all of the things that marriage is for everybody else who enjoys its benefits.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30 day of December, 2008 at SAN FRANCISCO, California.


Suwanna Kerdkaew

DECLARATION OF JON ANTHONY CARR

I, Jon Anthony Carr, declare as follows:

1. I live in San Francisco, California, with my husband, Sergio Dos Anjos Suhett. I am forty-six years old, and I am a travel consultant for American Express. Sergio is thirty-nine and owns his own business as a massage practitioner. He is also a full-time student at San Francisco City College, where he is taking classes in order to enroll in a nursing program. Sergio is a Latin American from Brazil and was recently granted “withholding of removal” status by the federal government as a victim of persecution and abuse in his country.

2. Sergio and I have been in a committed relationship for thirteen years. We first met when we were both working for United Airlines. It was love at first sight. The first time we looked at each other we both knew there was something there. I knew that there was a chance that Sergio would not be permitted to remain in the United States. But I didn’t care. We moved in together three months after we started dating.

3. We registered as domestic partners shortly before we married for the first time in 2004. Our 2004 marriage was spur of the moment. I read that marriages were being performed at San Francisco City Hall and was amazed that it was really happening. Sergio had always wanted to get married, but it was never before a possibility for us. I called him and proposed, and he left work to meet me at City Hall that day.

4. We married again on September 12, 2008. Our best friends are a lesbian couple who live down the street from us and have been together for twenty years; they were witnesses at our wedding, which took place at City Hall. Afterward, we took a drive to revisit the spots we used to go on our dates.

We drove around Fisherman's Wharf looking for the exact spot where we used to go and sit together when we first fell in love. So much time has passed, but it was a reminder of the reason we came together in the first place.

5. Our 2008 marriage impacted us emotionally in ways our 2004 marriage did not. In 2004, there was a lot of excitement around gay marriages being performed at the time. People were visibly moved and emotional during the ceremonies at City Hall. Sergio and I could never bring ourselves to that level emotionally. We thought it would be the same in 2008, but it wasn't; from the moment we began reading our vows, it really hit me that this time it was for real. Sergio started crying, and then I did too. I knew then that we were really getting married, and it felt great. Although Sergio and I have long thought of ourselves as married, having our relationship acknowledged by the State changed things. Being married means we belong to a support system of sorts—the State, our families, and society all acknowledge our union. When we married, we felt we finally belonged, at least in California. We thought the State recognized that our marriage was just like any man and woman's, rather than something different or special in its own category.

6. As a gay person to whom marriage has been denied until now, I used to convince myself that it was not an institution in which we needed to participate. But during our ceremony, I kept thinking about my experience in New York on September 11, 2001. I worked in the World Trade Center and was in the lobby of the North Tower when the first plane hit the building. Sergio and I were separated and unable to speak for hours amidst all the chaos. I kept thinking that if I had been killed, in the eyes of the law Sergio would have been nothing to me. My parents would have been responsible for deciding what happened with my body; there would have been no formal acknowledgement of Sergio's loss, and that was wrong. We were so vulnerable

then. Reflecting on this reaffirmed to me how essential it was for us to get married.

7. With the passage of Proposition 8, it feels like a dark cloud hangs over our future. I can't say for certain that Sergio and I will remain married in the months to come, which affects us emotionally as well as practically. We don't feel like we can plan for the future, not knowing if our marriage will still be valid. If our marriage were invalidated, I would feel like a second-class citizen. Worse, the State would be affirming that I am less of a person and that my relationship matters less than others. The thought that our marriage could be taken from us really hurts. I recently saw an advertisement by The Courage Campaign listing the names of gay married couples with the heading "Please Don't Divorce Us." That is exactly how I feel. Sergio and I are as married as anybody, so to take that away from us would feel like a forced divorce.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 2nd day of January, 2009, at San Francisco, California.


Jon Anthony Carr

DECLARATION OF BRENDALYNN GOODALL

I, Brendalynn Goodall, declare as follows:

1. I am a fifty-seven year old African-American woman from Oakland, California. I work for the City of Oakland Department of Human Services as the manager of Aging & Adult Services. In that capacity, I oversee five programs that serve over 4,000 low income and vulnerable elderly and disabled adults, helping them to access employment, transportation and other life needs.

2. I have been in a committed and loving relationship with Nancy Hinds for over 16 years. Nancy grew up in Brooklyn, New York. She came to the Bay Area in 1980 when she was working for the Center for Disease Control doing outreach and education on sexually transmitted diseases. After she left the CDC, Nancy received her Masters in Public Administration at California State Hayward. She now works for the United States Office of Personnel Management as a Human Resources Specialist.

3. Nancy and I were drawn to each other because we share the same interests and values: hard work, education, art and music, and a sense of spirituality. Before I met Nancy, I had made a list of the qualities I was looking for in a partner. Later, after we had been dating a while, I told Nancy about this. It turned out that she had done the same thing, and when we shared those lists with each other we were amazed to see how similar they were. We are both active in our community. Nancy is one of the founding members of the African-American Lesbians 40+ group, and I am on the board of the East Bay Lesbian Gay Democratic Club.

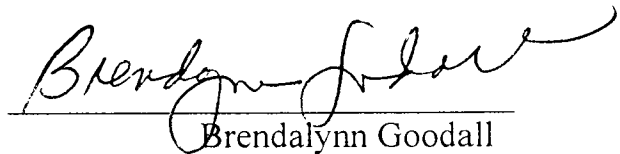
4. On June 16, 2008, Nancy and I were married in a ceremony officiated by Oakland Mayor Ron Dellums. United States Representative Barbara Lee was the witness to our marriage. My parents also stood up with us, and my sisters and

nephew were there. It was amazing to experience the level of love and energy on that day. Getting married was important to Nancy and me as a way to allow others to recognize our commitment to each other and to our relationship. As we get older (and watch our parents getting older) we have become aware that circumstances arise in which legal recognition of our relationship to each other matters greatly. Several years ago, I had hip replacement surgery. We were careful to ensure that the hospital understood before I went in for surgery that Nancy was my life partner and that she should be involved in any medical decisions and kept informed of my condition. But one cannot always anticipate what will arise in life. Being married ensures that society will recognize our relationship to each other and that whatever arises for one, the other will have all of the rights to which a spouse is entitled.

5. Being married for these last six months has deepened our relationship to each other. It has also been gratifying to receive affirmation from our community including from people we don't even know who read or heard about our marriage. It would be emotionally devastating to me if our marriage were taken away as a result of Proposition 8. If we were to lose our marriage it would be like being given the right to vote and then having that right taken away. Nancy and I have worked hard through our jobs and our activities in the community to support others' rights. It would be so disappointing to have our rights taken away.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed in Oakland, California on January 2, 2009.


Brendalynn Goodall

DECLARATION OF HUDA JADALLAH

I, Huda Jadallah, declare as follows:

1. I am a forty-four year old Palestinian-American woman, born and raised in the Bay Area. My partner (and now wife), Deanna Karraa is also Palestinian-American. She was born and raised in Southern California. We met and fell in love in 1991. Together we have three children—twin boys, Omar and Hady, who are 10 years old, and our daughter Hind, who is 7. Deanna and I have been committed to each other and to creating a family together from the start of our relationship. We feel extremely fortunate to have each other and our three wonderful children. At the same time, we have faced extraordinary challenges and unfairness because we are a lesbian couple raising children.

2. When I gave birth to our twin sons in 1998, we intended for Deanna to legally adopt them. We hired a lawyer and spent over \$1,000 in legal fees (a huge sum to us at that time). We met with our lawyer, filled out a mountain of paperwork, and carefully prepared our house for the home study. At that time, gay households were considered unfit homes for children, so we were automatically stamped “not approved” by the home study. We had planned to go to court to petition for the adoption anyway, but our lawyer told us that the judge would definitely deny our petition. The lawyer said that if the court denied the petition, our only option would be a very expensive legal challenge. So we reluctantly and sadly withdrew our petition.

3. As a consequence of Deanna’s inability to adopt our babies, we were unable to obtain good quality health insurance for them. I was a graduate student at the University of California at Santa Barbara at that time. Deanna was working as a pediatric triage nurse. She had health insurance through her

job but because she was not legally allowed to adopt her sons, they could not be put on her health insurance. We had no option other than purchasing inadequate and expensive health insurance through the University. This insurance covered the boys when they were ill but did not pay for basic well-baby care such as regular pediatric visits and immunizations.

4. We were also excluded from subsidized housing that UC Santa Barbara provides for students with families. There were two ways a student could qualify for family housing. First, married couples qualified; but we obviously could not qualify in that way because at that time two women were not allowed to marry. Second, unmarried couples could qualify if they had children but only if they could prove legal parenthood. We were shut out of this second category too, because Deanna was not able to legally adopt Omar and Hady. As a result, we did not qualify for student family housing and were forced to pay the exorbitant market rates for a downtown rental in Santa Barbara while we lived on Deanna's nurse's salary. We went deep into debt until eventually we were forced to bend the rules to get into affordable housing. We removed Deanna's name from my application for housing and pretended that only the boys and I would live there. Although this saved us financially, it forced us to live "in the closet." Deanna and I had to pretend not to be a couple. We could not be physically affectionate in public. Many people thought that Deanna was my sister. It was extremely unsettling to have to live under cover in this manner and to fear that we might be discovered and kicked out of the only housing that we could afford.

5. Despite our precarious legal and economic state, Deanna and I were committed to creating the family that we wanted. In 2001, Deanna gave birth to our daughter, Hind. At that time, I could not adopt our daughter, and Deanna still could not adopt our boys, who were then nearly three years old.

Finally, after the passage of Assembly Bill 25, which expanded the rights of domestic partners, I was able to adopt Hind, and Deanna adopted Omar and Hady. It was frightening living all of those years without legal ties between Deanna and the boys and me and our daughter. Because of that insecurity, when San Francisco began issuing marriage licenses to gay couples in 2004 we decided not to get married. No one was sure of the legal status of those marriages. We had heard that getting married might nullify our domestic partnership which made our adoption possible. We were afraid that if our marriage was later voided, we could be left without the marriage or the domestic partnership and that might jeopardize our adoptions. The most important thing to us is keeping our whole family legally tied together, so we forewent getting married at that time.

6. As much as we are active in the continuing struggle for gay civil rights, most days we are like all other parents of three young children—busy with work, driving kids to and from gymnastics and tennis, doing laundry, grocery shopping, preparing dinner, packing school lunches, making sure homework is done, etc. So when the Supreme Court's decision that gay couples could legally marry was issued, we were delighted but didn't immediately make plans to marry. Out of the blue on June 15, 2008, I got a call asking whether we wanted to be married by Mayor Ron Dellums with Congresswoman Barbara Lee as our witness at Oakland City Hall *the next day*. We said absolutely we did. Then we rushed out and bought suits for the boys at Mervyns and borrowed a dress for our daughter from a friend.

7. The wedding was fabulous. It was really overwhelming to experience the support and love of family, friends, and the community for us as a couple after all that we have gone through. Deanna said that it was the best day of her life. Our kids were so amazing that day. We had to wait at the

Alameda County Clerk's Office for what felt like hours. The kids waited with us without complaining or bickering at all. It was clear that they understood the significance of the event.

8. I was devastated when Proposition 8 passed. Deanna and I have learned to live with people judging us negatively because we are lesbians, but it breaks my heart for our children to have to get the message that people think our family is less valid than other families. Omar and Hady have been teased a lot at school because they have two moms. Having Proposition 8 pass only adds to their feeling that our family is different.

9. It would be bitterly disappointing to our whole family if our marriage was declared to be invalid. I believe that our kids are secure about their family, and they know that we will still have the same ties even if our marriage is invalidated. But at the same time, it will be yet another hard and sad thing for Deanna and me to explain to them. We believed that once the California Supreme Court said that we had a right to marry, the legitimacy of our marriage would be unassailable. I am not sure that we would have gone through with the wedding, even though it was a wonderful experience, if I had imagined that our marriage could be later taken away or made invalid.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 3rd day of January ____, 2009, at Oakland, California.


Huda Jadallah

DECLARATION OF REBECCA DAY RODRIGUEZ

I, Rebecca Day Rodriguez, declare as follows:

1. I am a 36-year old Mexican-American woman. I was born and raised in East Los Angeles in a large Catholic family; I am one of 12 kids. I work for the City of Berkeley Department of Public Health as a Community Health Worker Specialist helping Spanish-speakers access health insurance and health care.

2. In the early 1990s, I moved from Los Angeles to San Francisco to attend City College of San Francisco. I was working at Stroud's Linen Store to support myself when I met Yvonne Day. Yvonne and I came from completely different upbringings: I am a Latina from an urban environment and a religious family, and Yvonne is an only child from a rural community in Amador County. Yvonne and I became wonderful friends, fell in love, and have been together for almost 13 years—spending only days apart.

3. From early on in our relationship, we agreed that we wanted to have kids together. We were thrilled when Yvonne gave birth to boy and girl twins in January 2004. I subsequently adopted the children so that we are both their legal parents. After the Supreme Court issued its decision that same sex couples have a right to marry, we reflected on whether we wanted to get married. We already considered ourselves to be as good as married in the sense that we have children that we are raising together, we own our home together, we support each other financially and emotionally and are committed to spending our lives together. However, we were inspired by other gay couples and families who were getting married and decided that we too wanted to publicly affirm our commitment to each other and to our family.

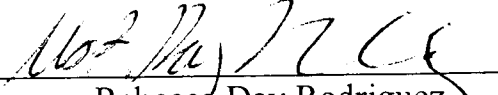
4. We were married at San Francisco City Hall on August 29, 2008. We chose to have a very small ceremony with just our children and two close friends as witnesses. For us, with marriage coming at the time that it did in our lives, the wedding was about not just about Yvonne and me but about the bonds between us and our children as well. We wanted Benicio and Adela to be the primary witnesses to our union. It was a very beautiful experience and all four of us really felt a sense of validation. Later we had a big reception at our house. Family members came from all over the state to celebrate our marriage with us. I think people who know us were moved by the fact that we had been committed to each other for so long and now were finally getting the opportunity to have that commitment officially recognized under state law.

5. I feel that since we married, our relationship has been accorded a higher status. I believe our relationship is taken more seriously. It has also been great for our kids to be able to say that their parents got married. It has given them a greater sense of inclusion. They had noticed the wedding photos of their friends with married parents and are proud to have our wedding announcement. They also have an increased interest in marriage, and the idea of choosing to get married has appeared in their pretend play.

6. I was devastated that Proposition 8 passed. The hardest part was telling our kids that more people voted yes, and it passed. Our son later suggested "Mama, more people should have met us, so they could know why to vote no." To me the one saving grace, small as it was, was my belief that because we were married already, our marriage would remain valid. It would be awful for our extended family, us and, most importantly, our kids if our marriage were invalidated. It would be extremely painful to have to explain to

our kids that not only had the law changed back, but also the court had decided to take away their moms' marriage.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 2 day of January, 2007 at San Leandro, California.


Rebecca Day Rodriguez

DECLARATION OF RUTH VILLASENOR

I, Ruth Villaseñor, declare as follows:

1. I am a lifelong Californian and Oakland resident. I have been together with my partner, and now wife, Diane Pfile for ten years. We own a home in Oakland and also are co-owners of Paws and Claws, a natural pet food store in the Dimond District of Oakland. I am the President of the Dimond Business and Professional Association.

2. On June 16, 2007, Diane and I were married in a ceremony officiated by Oakland Mayor Ron Dellums. United States Representative and First Vice-Chair of the Congressional Black Caucus Barbara Lee was the witness to our marriage. Our marriage has legitimized our relationship in the eyes of our families and our community. After our official wedding on June 16, we had a traditional Native American celebration at the Intertribal Friendship House and several of my relatives from Southern California traveled here to be a part of that celebration. Several months after we were married, Diane's mother passed away. In the past, Diane's family has not always fully embraced our relationship, but this time her father encouraged me to accompany Diane to Illinois for the funeral and even included us as a couple in the obituary. If we had not been married, I doubt that he would have included me in the description of their family in the obituary.

3. Years before marriage became an option for Diane and me, Diane and I registered as domestic partners. Although I understand that technically, domestic partnership entitles us to the same rights as married couples, the reality is different. I had a firsthand experience of this difference when Diane was rushed to the hospital last year with a nearly burst appendix. When we arrived at the emergency room, the attendants whisked Diane into surgery but refused to let me go with her. I explained that I was Diane's partner. They asked whether we were

married. I laughed and said of course not, we are not legally allowed to get married. I explained that we were registered as domestic partners. They did not know how to deal with that and told me they had to "go check." They left me waiting in reception for over an hour with no idea what was happening to Diane. Even after they let me in, the doctor questioned my presence and my connection to Diane. He said he could not understand what it meant that we were domestic partners. In emotional times like this, the last thing anyone should have to deal with is trying to explain to uncomprehending strangers the nature of one's relationship to one's beloved.

4. If I had been able to say back then that Diane was my wife, I may have gotten a strange look (because marriage between same sex couples is still new), but no one would have had to "go check" on my status or rights. Being married has given us a sense of security that we will not have experiences like the one in the hospital again and that our relationship is recognized as equal to the marriages between heterosexual couples. If our marriage were invalidated by Proposition 8, we would lose that sense of security and equality.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30 day of December, 2008, at OAKLAND, California.


Ruth Villasenor